



STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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Tommy Brown,
Citizen Representative
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MINUTES

January 27, 2010

The Arkansas Towing & Recovery Board convened on Wednesday, January 27, 2010 at 9:38 a.m. in the 2nd floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Vice-Chairperson Wayne Edwards, and Members: E. L. Jacobs, Charles Bokker, Jr., Ronnie Walker, Avon Phillips Jr., Mary Thoma, and Tommy Brown, were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Board Legal Counsel Rebsamen, were also, present. Treasurer Noel Foster, prior engagement, was not present.

Chairperson Glenna Butler confirmed members had received the Minutes from the December 02, 2009, meeting with a Motion by Jacobs and a 2nd by Brown, the Board voted 7-0-2 to accept the Minutes as written. (Note: Member Mary Thoma was not present for this vote.)

Director Lauen reported expenditures of \$ 57,039.24 and revenues of \$ 23,818.85 for a checkbook balance as of January 27, 2010 of \$ 94,655.09. (Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Glenna Butler welcomed guests, Kay McKnight, Mary Thoma's mom and Greg Cochran, Arkansas Truck Center.

Disciplinary Hearing

1. Complaint No. 10-10-041 – Lawhon's Towing & Hauling, Inc.: Guilty violation A.C.A. 27-50-1201; failure to notify, failure to provide requested information, and excessive pricing; Fined \$3250.00.
2. Complaint No. 10-11-062 – Underwood's Garage & Wrecker Service, Inc.: Guilty violation A.C.A 27-50-1101 and 27-50-1201; towing out of compliance, failure to notify, excessive pricing, failure to renew, and failure to provide requested information; Fined \$26,500.00
3. Complaint No. 10-11-064 – Priority Auto & Towing, LLC: Guilty violation of A.C.A. 27-50-1201; towing out of compliance, 17 tows without proper safety license and permits, and failure to renew; Fined \$ 2200.00.

Meeting reconvened 3:00 p.m.

On-Going Business

1. **Progress Report:** Clerical Assistant Staggs reported as of January 26, 2010: 80 non-consent safety licenses; 94 new, 61 1st renewal, and 66 2nd renewal non-consent permits; 16 consent safety licenses, 09 new, 11 1st renewal, 07 2nd renewal and 04 Trailer consent permits were issued, 33 walk-in applications, 03 applications with deficiencies, and 60 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes).
2. **Complaints Report:** Board Investigator Ashcraft reported as of January 27, 2010: 44 telephone complaints, 30 written complaints, and 56 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 05 pending complaint hearings, and 28 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized categories on the report. (Note: copy of Complaint Report is filed with these minutes)
3. **Administrative Appeals:** Board Council Rebsamen reported on 5 complaints on appeal:
 - A. **Complaint No. 06-12-158:** Asher Wrecker Service, Inc.: Issue with the record and requested a hearing waiting to hear back from the court.
 - B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc.: Waiting for declaratory judgments. Appeals are still pending, waiting on briefing schedule on appeals.
 - C. **Complaint No. 08-06-150:** Gene Zajac DBA Blue Hill Wrecker Service: Record has been filed waiting on a briefing schedule approval.
 - D. **Complaint No. 09-01-093 and 2009-09-045:** Glover's Transmission and Rear End, Inc; Appeal record has been filed and in process of setting briefing schedule.
 - E. **Complaint No. 09-03-110:** Troy Mullins filed an appeal, waiting on briefing schedule.

Old Business

1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen. On-going discussions has been focused on the education of road troopers on the towing laws.
2. **Public Service Advertisements:** Director Lauen provided a price sheet for publishing a public service advertisement. Item was tabled until next meeting.
3. **Offer of Settlements:** Lauen reported work had been completed for the new offers of settlements, copies of the new offer settlements were supplied to each board member. After some discussion, new wording was suggested and asked to be incorporated into the offer of settlements. Item to be discussed further after rewording at next meeting.

Other Business

1. **Searcy Auto Salvage:** Lauen requested an exception to allow the renewal of tow vehicle safety permits with an inspection form more than 30 days old, based on a clerical error made by Office staff. With a motion by Bokker, 2nd by Brown, the Board voted 8-0-1 to allow the exception.
2. **Next Meetings:** February 23, 2010, 2nd floor conference room, Tower Building, 323 Center, Little Rock, Arkansas.

Meeting adjourned 3:32 p.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)